UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/C.3/51/10
30 October 1996

ORIGINAL: ENGLISH

Fifty-first session
THIRD COMMITTEE
Agenda item 110 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Letter dated 23 October 1996 from the Permanent Representative of Latvia to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the text of a report issued by the Ministry for Foreign Affairs of the Republic of Latvia entitled "Issues in human rights in the Republic of Latvia, 1994-1996" (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly under agenda item 110 (c).

(Signed) Aivars BAUMANIS
Permanent Representative
of the Republic of Latvia
to the United Nations

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ANNEX

Issues in human rights in the Republic of Latvia, 1994-1996

CONTENTS

		Page
I.	INTRODUCTION	2
	1. The existing national framework	3
	2. The international framework	8
II.	RECENT DEVELOPMENTS IN VARIOUS AREAS RELATED TO HUMAN RIGHTS	11
III.	FURTHER DEVELOPMENTS	16
	1. Amendments to the Satversme (Constitution) with provisions for the protection of human rights	16
	2. The establishment of the Satversme (Constitutional) Court	16
	3. (i) The ratification of the European Convention on Human Rights and Fundamental Freedoms	16
	(ii) The ratification of the Council of Europe Framework Convention on the Protection of National Minorities	17
	4. Further implementation of the Law on Citizenship and the Law on Status of Former USSR Citizens Who are Not Citizens of Latvia or Any Other State	17
	5. In connection with the Beijing Platform and Programme for Action, adopted at the United Nations Fourth World Conference on Women in Beijing, China 4-15 1995, the Latvian Government is developing a concept for gender equality policy	18
	6. Adoption of new legislation in the fields of education and language	19

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I INTRODUCTION

Latvia restored its independence on 21 August 1991 after more than 50 years of Soviet occupation. In 1994, with the assistance and co-operation of the United Nations and other international organisations, the complete withdrawal of Russian military forces from Latvia was achieved. Since 12 June 1995, Latvia has been an associate member of the European Union.

The *Satversme* (Constitution) of 1922 was reinstated in its entirety in 1993 and provides that all citizens are equal before the law and the courts. The 1991 Constitutional Law on the Rights and Obligations of a Citizen and a Person is the cornerstone of Latvia's national human rights norms, and provides for basic rights and freedoms including equality under the law regardless of sex, religion, language or social status.

Latvia's demographic situation at present is a legacy of the russification policy pursued during the Soviet era. Throughout the Soviet years migration was the primary source of population growth and the basic reason for a manifold increase in the number of non-Latvians in Latvia. Today Latvians are a minority in the seven largest cities, including the capital, and make up only about 56% of the total population, while in 1935 the percentage of ethnic Latvians was 77%. The non-Latvian population currently is split among numerous ethnic groups, including Russians (33%), Belarussians (4%), Ukrainians (3%) and Poles (2%). More than 70% of the registered residents of Latvia (about 2.5 million people) are citizens, almost 400 000 of whom are of non-Latvian origin.

Latvia has committed itself to re-establishing the rule of law, democratic institutions, and respect for human rights. The major challenge faced by Latvia has been the need to redefine the concept of human rights in Latvian society at large. The years of Soviet rule and the experience of recent Russian foreign policy activities carried out in international fora have created a misinterpretation of the very concept of human rights. Human rights are seen as largely applying only to the minority population or non-citizens and not to each and every individual. This attitude has prevailed in the population at large and more specifically among those with a direct impact on the enjoyment of human rights - the civil service and the judiciary. Therefore, from the very first day of renewed independence, the Parliament and Government have declared the protection and promotion of human rights as their highest priority.

1. The existing national framework.

Latvia is a parliamentary democracy. The highest elected body is the one chamber 100-seat ***Saeima*** **(Parliament)**, elected in direct proportional elections by citizens 18 years of age and older. The first democratic elections since 1931 were held in June 1993, and the second elections in October 1995. Within the Parliament there is a Standing Committee on Human Rights and Public Affairs which is responsible for reviewing draft legislation pertaining to human rights. It works in close co-operation with the Standing Committees on Legal Affairs and European Affairs.

The President is the head of State, elected by the Parliament for a period of three years. Among other rights, the President has the right of legislative initiative and the right to pardon. The President promulgates laws passed by the Saeima or, by means of explanatory letter to the Chairperson of the Saeima, can ask for the review of a relevant law.

The President nominates the **Prime Minister**, who is then approved by Parliament. The Prime Minister and his **Cabinet of Ministers** are responsible for Government operations. Recognising its responsibility for the protection of human rights of all inhabitants in Latvia, the Government established the post of State Minister for Human Rights within the Ministry of Justice in 1994. In accordance with the Declaration and Programme of Action adopted at the UN World Conference on Human Rights in Vienna (June 1993) and in close co-operation with the United Nations Development Programme, Latvia created a National Programme for the Protection and Promotion of Human Rights in Latvia (UN document E/CN.4/1995/146 of 15 February 1995). The focal point of the Programme was the establishment of an independent institution for the protection and promotion of human rights in Latvia.

In his address to the 51st Session of the UN Commission on Human Rights, the then Prime Minister Mr. Maris Gailis confirmed that action to develop national capacity in the field of human rights in Latvia was urgently needed. Enabling legislation of the Human Rights Office was drafted and adopted by the Cabinet of Ministers on 18 July 1995, and subsequently approved by the Parliament on 27 July 1995. Simultaneously, the post of State Minister for Human Rights was dissolved. To facilitate the establishment and effective functioning of the Office, the UNDP Latvia prepared a $1.8 million USD project 'Capacity Development of the Latvian Human Rights Office', in addition to UNDP supported and cost-shared by the United Nations Centre for Human Rights and several bilateral donors (Finland, Sweden, the Netherlands). The project was signed by the Foreign Minister of Latvia, the Acting Director of the Human Rights Office and UNDP Resident Representative on 19 January 1996.

The Office is an independent government agency with a mandate of, *inter alia*:

- providing information to the public on human rights, especially the promotion of understanding and recognition of those rights;
- investigating and conciliating individual complaints related to the abuse of human rights;
- investigating the observance of human rights in various areas, specifically those affecting the interests of particularly vulnerable groups (children, persons with physical, intellectual, or psychiatric disabilities);
- preparing recommendations for the parliament and Cabinet of Ministers on improving Latvia's legislation and other practices for the prevention of human rights violations, promotion of human rights and compliance with Latvia's international treaty obligations in the field of human rights.

The independence of the Office is ensured both by its legal status and by the mechanism for approval and dismissal of the Director, whereby he or she is appointed by the Cabinet of Ministers and approved by the Parliament for a term of four years. Motions for the dismissal of the director can be made only by more than one-half of Parliament.

The Law on the Human Rights Office guarantees the independent status of the Office and its right to investigate individual cases, as well as the activities of state institutions. Provisions are also made to guarantee confidential treatment of information received from individuals.

The Office commenced operations in August of 1995, receiving complaints and reviewing human rights issues. The international community, including the UN Centre for Human Rights, continues to provide very valuable assistance to the Office. The Government of Latvia considers that the process whereby the Latvian Human Rights Office was established could serve as a model for the creation of such national institutions in countries where they do not yet exist.

Basic provisions on the **court system** in Latvia are contained in the Constitution. Together with the Law on the Powers of Courts of 15 December 1992, it determines the independence of the judiciary and provides for the principle of division of power.

Latvia undertook reform of its judicial system immediately after re-establishing independence. The reform has been completed in 1995 with the establishment of three-tier court system - district (town) courts, regional courts, and Supreme Court.

On 5 June 1996 the Saeima adopted the Law on the Constitutional Court. The process of drafting the law involved a wide

cross-section of society and the recommendations of international organisations were taken into consideration. The adopted law finalises the process of judicial reform in Latvia.

Regular training for judges and court personnel is provided at the Judicial Training Centre, jointly established in April 1995 by the Ministry of Justice, UN Development Programme Central and Eastern European Law Initiative of the American Bar Association, and the Soros Foundation. Training of judges, lawyers and other members of the legal profession also takes place in the framework of the *Themis* and *Demo-Droit* co-operation programmes between Latvia and the Council of Europe.

The Law on the **Public Prosecutor's Office** (July 1994) regulates the work of the General Prosecutor and of specialised regional and district (town) Public Prosecutors' offices. All prosecutors are independent in the execution of their functions, which include:

- supervision and organisation of investigations;
- lodging claims in the courts as prescribed by law;
- taking part in trials as prescribed by law.

The work of **the police** is regulated by the Law on Police, which stipulates that the police shall observe general principles of human rights, social equality, and humanism. The Minister of the Interior has overall responsibility for the work of the national police. Although much has been accomplished reorganising police structures, extensive training is still needed. The current, non-military police system has been in place only since the renewal of national independence.

The Council of Europe continues to provide assistance both for the Public Prosecutor's Office and the Ministry of the Interior. The international community is also assisting the Ministry of the Interior in its efforts to improve prison conditions (new construction of prisons is taking place in several cities) and to complete prison reform.

State administrative institutions, according to the Constitution, are subordinate to the Cabinet of Ministers. Civil service reform has been ongoing since 1993. The Law on Civil Service determines the status, rights and responsibilities of civil servants. Regulations of the Cabinet of Ministers on Administrative Process, adopted on 13 June 1995, define the mechanism by which administrative decisions can be contested by a higher authority. The Civil Procedure Code allows any individual to appeal an administrative act regulating his/her actions through the courts.

The State Administration School, in co-operation with international partners, provides training for civil servants in administration and management, law, market economy, and other fields. Many competing social and humanitarian needs makes it difficult to allocate sufficient resources for the completion of civil

service reform in a short period of time. However, the Government has committed itself to the creation of a modern civil service, which is essential in a country governed by the rule of law.

An increasing number of **non-governmental organisations** and groups of individuals have been registered in Latvia.

The total number of NGOs registered at the Ministry of Justice in 1996 is 2394 (compared to 1676 in 1995). This phenomenon is relatively new for Latvia. During the Soviet occupation, there were (unofficial) groups of dissidents and human rights activists, who were prosecuted and sentenced by Soviet authorities for anti-regime activities. At the end of 1980s, the level of political participation increased significantly, peaking in 1988 when almost 300 000 people were members of the Latvian Popular Front.

There has been expansion in **the activity of NGOs advocating human rights**, including rights of the most vulnerable and disadvantaged groups of society (such as children, the elderly, people with intellectual, physical, or psychiatric disabilities, prisoners and others). These include the Human Rights and Ethnic Studies Centre and the Human Rights Institute, which is affiliated with the University of Latvia. There are groups involved in advising and assisting individuals on matters related to residency status and citizenship. 15 separate organisations meet regularly in the Women's Co-operation Council, which is a forum to exchange ideas in the field of the promotion of gender equality.

The Government fully supports activities of NGOs and has engaged in an open dialogue on different issues, such as the adoption by the Cabinet of Ministers of the National Programme on the Protection and Promotion of Human Rights in Latvia. Establishment of the Human Rights Office was publicly supported among human rights NGOs. One of the main tasks of the Human Rights Office is to provide information on human rights, as well as on the rights and responsibilities of individuals and the State. The "NGO Centre Riga", which coordinates and provides technical support to approximately 100 registered NGOs, was established in the summer of 1996.

In the area of **national cultures**, there are more than 20 minority cultural societies in the Latvian Association of National Cultural Societies. The largest groups are the Jewish Society with about 4000 members and the Polish Society with approximately 3000 members. The 1991 Law on Unrestricted Development and Right to Cultural Autonomy of Latvia's Nationalities and Ethnic Groups guarantees all residents in Latvia equal enjoyment of human rights, regardless of nationality. Any discrimination based on nationality or ethnic origin is prohibited by law. No incidents of ethnic or racially motivated violence have been recorded in Latvia since 1991.

On 16 July 1996 the **Consultative Council of Nationalities**, established by the President, Mr. Guntis Ulmanis, held its first meeting. Representatives of eleven different ethnic minorities, as well as members of the Saeima Standing Committee on Human Rights, sit on the Council. The Council held a second meeting in late September 1996. The aim of the Council is to gather and discuss information relating to issues affecting ethnic minorities in Latvia, with a view to providing guidelines and recommendations for action.

Education with instruction in national languages is essential for the maintenance of minority cultural identity. As of 1995, 60% of all primary and secondary school students attend schools in which the language of instruction is Latvian. In Riga, Latvian students are in the minority, as only 66 schools hold classes in Latvian, compared to 75 Russian-language and 11 mixed-language schools. As the demand for schooling in Latvian has been increasing over the past eight years, the number of students requesting schooling primarily in Russian has been decreasing. Latvia continues to make every effort to ensure schooling in minority languages, even when the small number of students makes it a financial hardship to do so. Throughout Latvia, there are 72 State-funded classes which exist for the purpose of providing schooling in Russian for one or two students. In addition, state-financed secondary level education is available in eight minority languages - Russian, Polish, Hebrew, Ukrainian, Estonian, Lithuanian, Gypsy and Belarussian. Higher education is available in Latvian and Russian.

Hand in hand with ethnic diversity, **there is a multiplicity of religions** in Latvia. The Government of Latvia pursues a strict policy of religious tolerance and strict separation of church and state. The inhabitants of Latvia pay no obligatory church taxes. Instruction on religious issues in State schools is available on a voluntary basis. The rights of all persons residing in Latvia, including minorities, to freely choose and observe a religion are guaranteed by the Constitutional Law and by the September 1995 Law on Religious Organisations. Those religious organisations which owned property in 1940 have been able to apply for restitution under the 1992 Law on the Restoration of Property to Religious Organisations.

The number of **media** outlets has increased manifold since the collapse of the totalitarian regime in 1991. At present, more than 2000 publications, 25 radio stations and 41 television stations are registered in Latvia. The Constitutional Law on the Rights and Obligations of a Citizen and a Person guarantees freedom of speech and expression. The August 1995 Law on Radio and Television and the 1990 Law On the Press and other Means of Public Information prohibit censorship of the press or other mass media. Most newspapers and magazines are privately owned, and Latvian, Russian and English language publications express a wide range of viewpoints.

2. The International Framework

Until its illegal occupation and annexation by the Soviet Union in 1940, Latvia was a member of the League of Nations, which it joined in 1922. Less than a month after regaining independence, Latvia became a member of the United Nations on 17 September 1991. Even before *de facto* independence, on 4 May 1990 the Parliament declared the accession of Latvia to more than 50 international human rights instruments. They include the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights (including its Optional Protocol), International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child and other important human rights instruments.

Latvia submitted its initial report in accordance with article 40 of the International Covenant on Civil and Political Rights in October 1994. The UN Human Rights Committee considered the report at its 54th session on 12-14 July 1995 and expressed its satisfaction on positive changes since 1990 and welcomed the open and constructive dialogue with Latvia. The recommendations and suggestions of the Committee have been taken into account by the Government of Latvia. Reports under other Conventions are in the currently in the process of preparation and review by the Government

The UN Centre for Human Rights has played a key role in the development of the National Programme for the Protection and Promotion of Human Rights in Latvia. In March 1994 the Government requested policy advice for the newly appointed State Minister for Human Rights from the UN Development Programme, the UN Centre for Human Rights, and the OSCE. At the explicit request from the Government and its Working Group on the Protection of Rights of an Individual, the UNDP organised a high-level mission which visited Latvia in July 1994. The mission was led by an independent expert, now Special Adviser on National Institutions to the UN High Commissioner on Human Rights, and included senior human rights experts from the OSCE and the Council of Europe. The objective of the mission was to help the national authorities to formulate terms of reference for the National Programme.

The UN Development Programme is represented in Latvia since 1992. The assistance provided by the UNDP in the main priority areas in Latvia cannot be underestimated. The Government highly values its continuous partnership of the UNDP, which has proved to be invaluable in areas of economic, legal and social reform.

In addition to committing itself to global human rights norms, Latvia has also assumed important regional obligations. Latvia is an associate member of the European Union. In concluding the Associate

Agreement with the EU in July 1995, Latvia committed itself anew to 'respect for human rights'.

Latvia joined the Conference (now Organisation) on Security and Co-operation in Europe in September 1991. All OSCE members are committed to the protection and promotion of human rights, the strengthening of their democratic institutions and the rule of law. Since November 1993, the Government has hosted an OSCE Mission in Latvia which is mandated to be at the disposal of the Government to advise on issues related to citizenship. Another involvement of the OSCE in Latvia is joint commissions with the Latvian and Russian Governments on Russian Federation military pensioners in Latvia and on the Skrunda radar station. The Office on Democratic Institutions and Human Rights (ODIHR) of the OSCE in co-operation with the Government of Latvia has held several seminars in Latvia.

In February 1995 Latvia joined the Council of Europe and signed the European Convention on Human Rights and Fundamental Freedoms and its Protocol No. 11. In May 1995 Latvia signed the CE Framework Convention on the Protection of National Minorities. The Council of Europe has provided very valuable assistance in the process of preparation of citizenship legislation. Council of Europe activities in Latvia include seminars and workshops, study visits, and counselling. Issues have ranged from civil service, media, social welfare issues to local authorities, assistance to the Ministry of the Interior, and advice in judiciary role and reform. The Council of Europe Documentation and Information Centre was inaugurated in Riga in February 1996 during the visit of H.E. Mr. Daniel Tarschys, Secretary-General of the Council of Europe.

The current human rights situation in Latvia has been assessed by various international organisations including the UN Centre for Human Rights, the Conference (now Organisation) on Security and Co-operation in Europe, the Council of Baltic Sea states Commissioner on Democratic Institutions and Human Rights, as well as bilateral bodies such as the US State Department. The Government of Latvia has welcomed visits and received delegations from those organisations.

Upon the invitation of the Latvian authorities, the UN Secretary General in 1992 sent a fact-finding mission to Latvia, led by Mr. Ibrahima Fall, Director of the Centre for Human Rights. The report of this Mission is contained in UN General Assembly document A/47/748.

Latvia participated in the 1993 UN World Conference on Human Rights and supported the creation of a position of the UN High Commissioner for Human Rights. Subsequently, the High Commissioner, H.E. Mr. Jose Ayala Lasso, was invited to visit Latvia. His visit took place in October 1994 and gained wide acknowledgement among the general public in Latvia. The assessment of the visit was

reflected in the UN General Assembly document A/49/36 in its chapter 'Advisory services and technical and financial assistance'.

The OSCE High Commissioner on National Minorities, H.E. Mr. Max van der Stoel has visited Latvia on several occasions, most recently on 7-9 October 1996. His recommendations contributed greatly in the discussion process on the Law on Citizenship, and were taken into account in the final version of the Law.

Mr. Ole Espersen, Commissioner on Democratic Institutions and Human Rights including the Rights of Persons belonging to Minorities of the Council of Baltic Sea States has paid two official visits to Latvia, most recently in April 1996. Latvia welcomes co-operation with the Commissioner of the CBSS.

According to the assessments of the above-mentioned high-level officials and other international experts, the Latvian Government's human rights policies are in accordance with accepted standards of international human rights law, and since the renewal of independence in 1991, there have been no gross or systematic violations of human rights in Latvia.

II RECENT DEVELOPMENTS IN VARIOUS AREAS RELATED TO HUMAN RIGHTS

Since the submission of the initial report of Latvia to the Human Rights Committee in September 1994 and the visit to Latvia of H.E. Mr. Jose Ayala-Lasso, UN High Commissioner for Human Rights in October 1994, the following major developments have taken place in the field of human rights and related issues:

Following the 22 July 1994 adoption of **the Law on Citizenship**, implementation began in earnest.

The Law established that Latvia's citizens are all persons, regardless of ethnic origin, who were citizens of the Republic of Latvia on 17 June 1940 and their direct descendants, as defined in the 1919 Law on Citizenship, in accordance with the principle of *juis sanguinis*. This established the principle of the *de jure* continuity of the Republic of Latvia and its body of citizens.

Under the Law, all legal permanent residents of Latvia, regardless of their ethnic, religious or social background, can apply for citizenship. The only restrictions pertain to those who have acted anti-constitutionally against the State (if established by a court decision), are or have been members of foreign security or armed forces, have undertaken anti-constitutional activities as members of specific named organisations hostile to the Republic of Latvia or who have served criminal sentences for intentional crimes with prison terms exceeding one year.

The basic requirements for a person to become a citizen through naturalisation procedures are 5 years' residence in Latvia (after May 1990); basic knowledge of the Latvian language, Constitution and history; pledging an oath of loyalty; a legal source of income, and renunciation of former citizenship. The Law grants priority to those residents who were born in Latvia (who are about one-third of the resident non-citizens) or entered Latvia as minors. Individuals in those categories will be eligible to apply for citizenship prior to those in other categories.

The draft Law on Citizenship was repeatedly evaluated by experts from the Council of Europe and the Organisation on Security and Co-operation in Europe, whose recommendations were taken into account. These and other organisations have concluded that Latvia's naturalisation legislation is in accordance with international norms and standards for citizenship legislation. In contrast to the prevailing practice that States may exercise discretion in granting citizenship through naturalisation to applicants, the Latvian State is obliged to grant citizenship to all candidates who meet the requirements

established by law. This gives candidates for naturalisation far greater legal guarantees to receive citizenship.

To implement the Law on Citizenship, the Government created the Naturalisation Board in October 1994; the Cabinet of Ministers adopted regulations governing the review of applications for naturalisation in November 1995. The naturalisation process was begun on 1 February 1995, when the first applications for naturalisation were accepted.

The Government of Latvia has been carefully following the process of naturalisation, to guard against violations of the law and arbitrary bureaucratic acts. The Council of Europe has organised several working seminars, in addition to study trips for the Naturalisation Board and other authorities to develop an optimal organisational structure for the Board and the most effective naturalisation procedures and processes, including an impartial and fair examination procedure. The OSCE on-site mission in Latvia has been monitoring the naturalisation process throughout Latvia, including the examination process. No complaints about the naturalisation process have been received, which testifies to the proper implementation of the naturalisation law and regulations. The Naturalisation Board has become a model of how a government agency should interact with residents, especially in providing complete and comprehensible information to interested persons, accommodating the specific needs of applicants, and ensuring transparency throughout the naturalisation process.

The Law on Citizenship was liberalised through amendments adopted by the Saeima on 16 March 1995. These amendments enabled certain categories of persons to acquire citizenship automatically, simply by registering, thereby foregoing the naturalisation process entirely. These groups include permanent residents of Latvian and Liv origin who have no other citizenship or renounce any other citizenship; women (and their descendants) who had, under the 1919 Law on Citizenship, lost their Latvian citizenship through marriage to a foreign citizen, but who are permanent residents and have not become naturalised in any other country after 4 May 1990; and those who have completed education in Latvian and have no other citizenship.

The amendments eliminated the naturalisation testing requirements for the Latvian language, constitutional law, history and national anthem for those who have completed education in Latvian, certain groups of the physically disabled, and legal permanent residents of Latvia on 17 June 1940 and their descendants, as well as citizens of Estonia and Lithuania on 17 June 1940 with 5 years' residence. These amendments enabled 2000 persons to register as Latvian citizens in the first month following their adoption.

A very important step towards regulating the legal status of non- citizens residing in Latvia was the **24 April 1995 adoption of the Law on the Status of Former USSR Citizens Who Are Not Citizens of Latvia or Any Other State**.

Persons subject to this law are former USSR citizens residing in the Republic of Latvia who lived and were permanently registered in the territory of Latvia prior to 1 July 1992. According to the Law on Entry and Residence for Foreign Citizens and Stateless Persons of 9 June 1992, persons entering Latvia after 1 July 1992 require a visa or residence permit (either temporary or permanent).

The economic, personal and other rights and freedoms, as well as the obligations of these persons is determined by Chapter 3 of the Constitutional Law on the Rights and Obligations of a Citizen and a Person. Article 2 of the Former USSR Citizens Law further emphasises the rights of these persons to, *inter alia*, freely choose a place of residence anywhere in Latvia, freely leave and return to Latvia as their place of permanent residence; be united with their families; preserve their native language and culture within the framework of cultural and ethnic autonomy. The courts have already applied this law in numerous cases relating to residence status.

Persons subject to this law are entitled to receive a personal identification document or passport which allows its holder to travel abroad and return to Latvia without providing any additional documents. The new documents are expected to foster a closer self-association with Latvia.

New and completely revised **Draft Criminal and Criminal Procedure Codes** have been prepared and examined by Council of Europe experts, who have responded positively. These drafts have been submitted to the Saeima for debate. In particular, it should be noted that the draft criminal code foresees the abolishment of the death penalty, to be replaced by life imprisonment.

The death penalty as an exceptional punishment, until it is revoked, is a possibility only for: 1) aggravated murder; 2) aggravated rape which effects the death of the victim; 3) certain crimes against the State, if determined to present a threat to the existence of the State.

The Constitution foresees that the President has the right to grant pardon. On 24 September 1996, the President, H.E. Mr. Guntis Ulmanis, in his address to the Parliamentary Assembly of the Council of Europe, declared a presidential moratorium on executions pending a decision by the Saeima.

Prior to the **1 October 1994 amendments, the Criminal Procedure Law** provided that, during pre-trial investigations,

security measures could be applied on the basis of a decision taken by a prosecutor or investigator. A judicial decision on the application of security measures against the individual was made only at trial.

This situation changed with the adoption of these amendments, which relate the application of security measures against individuals (such as arrest and house arrest) to a decision taken by a judge of the court.

Similarly, the amendments stipulate that a judge's order is necessary to effect security measures taken during the investigative and pre-trial phases of criminal proceedings. Only a judge can order search and seizure, monitoring of mail and other communications, wiretaps, and the placement of suspects in medical facilities. A defendant, his or her attorney or representative, or the prosecutor may appeal such a judicial order in court.

At the beginning of 1995, Latvian government structures were faced with a new and unexpected problem--flows of migrants entering Latvia from the Russian Federation and other countries in transit to the Nordic countries and other countries in Western Europe. This problem contains many complex legal, financial and ethical dimensions. The Government simultaneously had to solve questions ranging from determining the legal status of these persons to the strengthening of Latvia's borders and dealing with the humanitarian aspects of caring for these persons.

On 25 April 1995, the Cabinet of Ministers adopted regulations "On the temporary residence of persons detained for illegal entry into Latvia." The regulations provide that persons who have been detained for illegal entry into Latvia will be held in temporary residence camps. Such persons are guaranteed family unity, religious freedom, equality before the law and non-refoulement to countries where they could face persecution. All rights are guaranteed without discrimination as to race, religion or ethnic origin. These steps are the first ones towards conforming Latvia's legislation with the 1951 UN Convention on the Status of Refugees and its Protocol.

Therefore, in mid-1996 an interministerial working group was established to define the Government's refugee and asylum policy and to prepare for accession to the 1951 Convention and its 1967 Protocol. The working group is due to submit a draft law on refugees to the Cabinet of Ministers by mid-October. The Government has co-operated with the United Nations High Commissioner for Refugees and the UNHCR Regional Office for the Baltic and Nordic Countries in these matters.

However, the Government of Latvia considers that along with national measures in this field, the conclusion of bilateral readmission

treaties is essential for the establishment of a properly functioning system. In this regard, Latvia has submitted its proposals on the conclusion of readmission treaties to the Russian Federation, Belarus and Ukraine. Latvia has received a positive response from Ukraine, leading to a first round of constructive talks with the latter. Latvia believes that co-operation among neighbouring countries is essential to ensuring an effective and humane policy with regard to migratory movements of persons.

III FURTHER DEVELOPMENTS

1. Amendments to the *Satversme* (Constitution) with provisions for the protection of human rights.

The *Satversme* (Constitution) of 15 February 1922 was reinstated in its entirety in 1993, and has not been amended in this field since its inception. The Parliament may amend the Constitution at meetings at which at least two-thirds of its members are present. The amendments have to be passed by a majority vote of not less than 2/3 of the Parliament members present.

This development is significant, as a section on human rights would mean constitutional guarantees for human rights.

At this time, one of the Parliamentary factions has submitted draft amendments, which are under review by the Standing Committees for Judicial and Human Rights. While it is anticipated that these draft amendments will be under considerable discussion before their eventual adoption by 2/3 vote in Parliament, the discussion helps to bring human rights issues to the fore of public consciousness.

2. The establishment of the *Satversme* (Constitutional) Court.

In its development Latvia strictly follows the principle of the separation of powers. The Law on the Constitutional Court was adopted by the Saeima on 5 June 1996. The adoption of this Law has completed judicial reform, which had been ongoing since 1993. For the establishment of the Constitutional Court, changes in the Constitution were made.

The Law stipulates that the Constitutional Court is an independent judiciary institution which deals with matters of establishing the compliance of Latvian laws and other legislative norms to the Constitution of the Republic of Latvia. At present, the Court is being established and a number of applications have been received from judges.

3. (i) The ratification of the European Convention on Human Rights and Fundamental Freedoms

Latvia joined the Council of Europe on 10 February 1995. Upon joining, Latvia signed the European Convention on Human Rights and its Additional Protocol No. 11 establishing the control machinery of the Convention.

The Ministry of Foreign Affairs coordinated the analysis of existing legislation in Latvia, which was completed at the end of September 1996. The working group examining the compatibility of the Latvian legislation with the ECHR, will hold a joint session with experts from the Council of Europe for a thorough review of the work done. The analysis will facilitate the approximation of Latvian legislation to the requirements of the Convention, which is expected to be submitted to the Saeima before the end of 1996, with a view to ratification in early 1997.

Upon ratification of the ECHR, Latvia will accept the Convention's control mechanism, i.e. the right to individual complaint (Article 25) and the Court's compulsory jurisdiction (Article 46).

(ii) The ratification of the Council of Europe Framework Convention on the Protection of National Minorities

Most of the provisions of the Convention are already contained in the national legislation - in the Law on Unrestricted Development and Right to Cultural Autonomy of Latvia's Nationalities and Ethnic Groups, the Education Law, the Language Law. However, the ratification of the Convention will take place only after the ratification of the European Convention on the Protection of Human Rights and Fundamental Freedoms.

4. Further implementation of the Law on Citizenship and the Law on Status of Former USSR Citizens Who are Not Citizens of Latvia or Any Other State.

As already mentioned, the Law on Citizenship was adopted in 1994, followed by the establishment of the Naturalisation Board, which began to operate on 1 February 1995. The first citizens were naturalised by August 1995.

In 1996, 33 000 persons born in Latvia and aged 16 to 20 are eligible for naturalisation, in addition to approximately 138 000 persons outside this age group who may apply for citizenship. In 1997, the core group of applicants will include those up to age 25. This incremental process by age group will continue to the year 2000. The largest group of persons--more than 214 000 in number--will be eligible in the year 2002.

The actual number of applicants, however, reflects but a small percentage of the total potential applicants. As of 31 August 1996, 4899 persons had indicated their desire to begin the naturalisation procedure, of these, 4650 had submitted applications, whilst 3078 persons had been naturalised. According to a survey conducted by the Citizenship and Immigration Department and the United States

Agency for International Development, 56% of students in high schools with Russian language instruction expressed an interest to become citizens, 16% did not want citizenship, and 28% were undecided. Among those who did not want citizenship, the chief reasons listed were that 11,5% saw no reason to become citizens, 11% found it more convenient to travel to CIS countries on a USSR passport, 11% planned to leave Latvia, 10% did not want to serve in the Latvian Army, and 8% planned to obtain the citizenship of another country.

For the purpose of increasing interest in naturalisation, the Naturalisation Board has introduced a multiple-choice exam for the history and constitutional law portion of the naturalisation requirements. While the existing tests have a pass rate of approximately 90%, it is envisaged that the reformatted tests will encourage more applicants to complete the naturalisation procedure, at the same time increasing objectivity of the tests.

The Government of Latvia is committed to ensuring that the Law on Citizenship is implemented in a fair and impartial manner. Co-operation with various international organisations and bilateral partners will continue in order to provide assistance, training and advice to the staff of the Naturalisation Board and the Citizenship and Immigration Department.

In the process of full implementation of the Law on the Status of Former USSR Citizens Who Are Not Citizens Of Latvia or of Any Other State, the main task is the provision of valid travel documents for subjects of the Law. Recently, a printing contract has been concluded with a Canadian firm, and new travel documents will be available before the end of 1996.

The Government will follow a firm policy to implement the law fully and speedily in a fair and impartial manner. The courts will be encouraged to continue the application of this law.

5. In connection with the Beijing Platform and Programme for Action, adopted at the UN Fourth World Conference on Women in Beijing, China 4-15 1995, the Latvian Government is developing a concept for gender equality policy.

Before the conference, the Government prepared a *National Report on the Situation of Women in Latvia*, the first such report in Latvia. An important section of the report discusses the future developments in gender equality policy in Latvia. While undoubtedly non-governmental organisations have a key role to play in the implementation of the platform, the Government has an obligation to implement the commitments entered into at the conference.

Co-operation with the United Nations Development Programme in gender capacity-building is ongoing. Currently, plans are underway to invite an international expert to Latvia to draft terms of reference for a governmental structure to co-ordinate activities in the field of gender equality.

Moreover, Latvia will be hosting in the summer of 1997 a gathering on gender equality issues, which is expected to bring together 1500 participants from the Baltic and Nordic countries for a constructive dialogue on building gender awareness in society. This gathering, which will take place in Valmiera, will be sponsored by the Nordic Council of Ministers, the Governments of the Baltic countries, the international community, and NGO and private sponsors. Latvia is proud to be the host of such a co-operative venture which will include eight countries, for we highly respect the accomplishments in the Nordic countries with respect to gender equality issues, and value the opportunity to build strong ties among the countries of our region.

6. Adoption of new legislation in the fields of education and language

The draft Law on Education has been accepted in the first reading at the Saeima on 1 February 1996. The draft law raised a number of discussions among politicians, academics, teachers and general public as it was regarded as too complicated for successful implementation. The Standing Committee on Education, Culture and Science is redrafting the law in accordance with many proposals and amendments submitted to it. Significant changes before the submission for the second reading are foreseen.

The new Language Law is being drafted in the Standing Committee on Education, Culture and Science. There is a need for a new law, as the present Language law originally is the Language Law of Latvian Soviet Socialist Republic adopted on 5 May 1989 and amended on 31 March 1992.

The Government of Latvia, in co-operation with the UNDP, has drafted and approved the National Programme for Latvian Language Training on 31 October 1995. The UNDP project document *Promotion of Social Integration in Latvia: Support to the Implementation of the National Programme for Latvian Language Training*, which is currently being finalised, is designed to promote social integration in Latvia. The project will utilise the modern teaching concept of "Latvian as a Second Language" to minority school students and adults. The project also will include activities to support operational delivery of language training and develop managerial and implementation capacities to sustain the National Programme beyond the lifetime of the project. Phase 1 will cover two years (mid-1996 to mid-1998) and

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will be financed by the UNDP with very significant cost-sharing by major bilateral donors (approximately 4 million USD). The Government has established a working group responsible for the implementation of this project.

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As this overview has shown, the national authorities of Latvia have committed themselves to the guaranteeing the protection and promotion of human rights in Latvia as a major priority. While much remains to be addressed following fifty years of Soviet occupation, the continuing policy to protect the rights of each and every individual in Latvia has begun to show tangible results. The conclusions and recommendations contained in the Report of the UN Centre for Human Rights 27-30 October 1992 fact-finding Mission to Latvia have been implemented.

Latvia has chosen a policy of integration over a policy of reprisal. The four dimensions of this policy have been outlined in this overview - Latvian language training, the strengthening of the infrastructure for the development of culture and language of various ethnic groups, the replacement of obsolete documentation, and the acquisition of Latvian citizenship through naturalisation.

Latvia is not complacent about its successes in this field and will remain vigilant about the need to review existing policies and elaborate new policies in the field of human rights.